

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ORACLE USA, INC., a Colorado
corporation; et al.,

Plaintiffs-Appellees,

v.

RIMINI STREET, INC., a Nevada
corporation,

Defendant-Appellant.

No. 18-16554

DC No. 2:10-cv-00106-LRH-VCF
D. Nev.,
Las Vegas

ORDER

Before: TASHIMA, GRABER, and OWENS, Circuit Judges.

The parties are directed to be prepared to discuss during oral argument, in addition to all the issues in the briefs, (a) whether any Seventh Amendment error was harmless and (b) whether we should reach that issue even though Oracle did not raise the argument. See Koerner v. Grigas, 328 F.3d 1039, 1048–49 (9th Cir. 2003) (listing exceptions to the rule that arguments not raised in a party's opening brief are waived).